

REMARKS

Claims 1 - 39 remain active in this application. Claims 11 - 29 have been withdrawn from consideration as being non-elected, with traverse, in response to the current requirement for restriction. No amendments are currently presented and no new matter has been introduced into the application.

The Examiner has required restriction between six inventions that the Examiner has identified. Specifically, restriction has been required between the following groups of claims:

Group I, claims 1 - 5, 6 - 10, 30 - 34 and 35 - 39,
classified in class 705/9;

Group II, claims 11 - 15, classified in class 705/1;

Group III, claims 16 - 20, classified in class
705/8;

Group IV, claims 21 - 23, classified in class
714/120;

Group V, claim 24, classified in class 714/114; and

Group Vi, claims 25 - 29, classified in class
714/100.

The invention of Group I has been provisionally elected with traverse, above.

The requirement for restriction is respectfully traversed since the Examiner has not properly demonstrated distinctness of the inventions or the existence of a serious burden in the absence of the requirement for restriction. Specifically, the Examiner has asserted that the inventions are related as subcombinations usable together and has asserted that the inventions so related are distinct for purposes of restriction if they can be shown to have separate utility. However, it is respectfully pointed out that

the overall invention disclosed and claimed is a system and method for collecting, managing, storing and distributing data that may be generated during the lifetime of a product from determining a need for the product through development, deployment and possible modification and/or upgrades to eventual disposal where any desired application can be used in generating the "native" data but is converted for storage and distribution as data objects in a form such that any application in the system or network can access the data and, moreover, applications necessary to use the data objects can be distributed with the data objects. It is respectfully submitted that the "separate utilities" of the identified "subcombination" inventions asserted by the Examiner are, in fact, simply operations which are desirable within the overall system and method and the Examiner has not demonstrated any utility of the inventions outside the overall system and method while considering the actual content of the claims as a whole. For example, while the Examiner asserts that the invention of Group II has separate utility for creating a network, the claims of Group II require the conversion of a resource into data objects, identifying users of data objects and applications necessary to use the data objects and delivering the necessary applications with the data objects; operations which clearly have utility in a collaborative environment while the Examiner has not indicated any other environment where such utility would be present. Similarly, in regard to Group II, "associating resources and employees with requirements of a plan" is substantially a definition of a collaborative environment. Accordingly, it is respectfully submitted that the Examiner has not properly demonstrated separate utility for the identified inventions other than in

connection with a collaborative environment and thus has not *prima facie* demonstrated distinctness of the inventions for purposes of restriction.

In regard to the existence of a serious burden of examination in the absence of a requirement for restriction, the Examiner has merely asserted but not demonstrated that the inventions have a separate status in the art, represent recognized divergent subject matter, require a different field of search or involve prior art applicable to one invention which would not likely be applicable to another invention or different non-prior art issues. Rather, in regard to the six inventions identified by the Examiner, only two classes are involved and the different subclasses specified by the Examiner appear to be generally related such that the asserted classifications do not appear to establish separate status in the art, divergent searches or search areas required for one invention where no relevant prior art would be expected for another identified invention. Thus, it is respectfully submitted that the Examiner has merely asserted but not demonstrated the existence of a serious burden of examination in the absence of a requirement for restriction.

Thus, it is respectfully submitted that the Examiner has not demonstrated either distinctness of identified inventions or existence of a serious burden of examination; both of which must be *prima facie* demonstrated in order to justify a requirement for restriction. Since no such demonstrations have been made, it is respectfully submitted that the requirement for restriction is improper and reconsideration and withdrawal thereof is respectfully requested.

Since all requirements contained in the outstanding official action have been fully answered, it is

respectfully submitted that reconsideration is now in order. Upon reconsideration, it is also respectfully submitted that this application is in condition for allowance and such action is therefore respectfully requested.

A petition for a two-month extension of time has been made above. If any further extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Marshall M. Curtis". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Marshall M. Curtis
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